

AMENDED IN ASSEMBLY APRIL 12, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

No. 1967

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**Introduced by Assembly Member Mendoza**

February 17, 2010

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~~An act to amend Sections 48000 and 48010 of, and to add Sections 14022.7 and 42238.31 to, An act to amend, repeal, and add Sections 48000 and 48010 of the Education Code, relating to pupil admission.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 1967, as amended, Mendoza. Pupil admission: kindergarten and first grade.

(1) Existing law requires that a child be admitted to kindergarten at the beginning of a school year, or at any time later in the same year if the child will have his or her 5th birthday on or before December 2 of that school year. An elementary school is required to admit a child to the first grade during the first month of a school year if the child will have his or her 6th birthday on or before December 2 of that school year.

This bill would change the required birthday for *admission to kindergarten and first grade admission to November 2 for to September 1 commencing with the 2012–13 school year, October 2 for the 2013–14 school year, and September 2 for the 2014–15 school year and each school year thereafter and for admission to first grade to September 1 commencing with the 2013–14 school year. The bill, commencing with the 2012–13 school year, would authorize a child who will have his or her 5th birthday between September 2 and December 2 to be admitted to a prekindergarten maintained by the school district and would require the Superintendent of Public Instruction to allocate to a school district*

*that maintains a prekindergarten program an amount equal to the revenue limit amount that the district would have received for the attendance of these pupils if they would have been eligible to attend kindergarten that year pursuant to the law governing admission to kindergarten as it read on January 1, 2012. To the extent those changes establish new administrative duties on the governing boards of school districts in implementing the changes, they would impose a state-mandated local program.*

~~(2) Existing law sets forth a method for computing the state aid portion of the amount of revenue limit per unit of average daily attendance moneys to be allocated to school districts each fiscal year. Existing law also sets forth a method for computing the average daily attendance of pupils for this purpose. Section 8 of Article XVI of the California Constitution (Proposition 98) sets forth a formula for computing the minimum amount of General Fund revenues that the state is required to appropriate for the support of school districts, as defined, and community college districts for each fiscal year. That formula is adjusted in certain fiscal years for changes in pupil enrollment.~~

~~This bill, in order to compensate school districts for the loss in average daily attendance resulting from changing the age at which children are required to be admitted to kindergarten, would increase the number of units of average daily attendance (ADA) computed for a school district for the purpose of computing the revenue limit of the school district for each of the 2012–13 to 2026–27 fiscal years, inclusive, according to a specified formula:~~

~~The bill would require that, in calculating “changes in enrollment” between each of the 2011–12 to 2026–27 fiscal years, inclusive, and the fiscal year immediately preceding each of those fiscal years for purposes of paragraph (2) or (3) of subdivision (b) of Section 8 of Article XVI of the California Constitution, the computation of ADA for each of the 2012–13 to 2026–27 fiscal years, inclusive, shall include the total statewide number of units of ADA computed for those fiscal years to compensate school districts for the loss in ADA resulting from this bill.~~

~~(3)~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,~~

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 48000 of the Education Code is amended*  
2     *to read:*

3     48000. (a) A child shall be admitted to a kindergarten at the  
4     beginning of a school year, or at any later time in the same year if  
5     the child will have his or her fifth birthday on or before December  
6     2 of that school year.

7     A child who will have his or her fifth birthday on or before  
8     December 2 may be admitted to the prekindergarten summer  
9     program maintained by the school district for pupils who will be  
10    enrolling in kindergarten in September.

11    (b) The governing board of any school district maintaining one  
12    or more kindergartens may, on a case-by-case basis, admit to a  
13    kindergarten a child having attained the age of five years at any  
14    time during the school year with the approval of the parent or  
15    guardian, subject to the following conditions:

16    (1) The governing board determines that the admittance is in  
17    the best interests of the child.

18    (2) The parent or guardian is given information regarding the  
19    advantages and disadvantages and any other explanatory  
20    information about the effect of this early admittance.

21    (c) *This section shall become inoperative on July 1, 2012, and,*  
22    *as of January 1, 2013, is repealed, unless a later enacted statute,*  
23    *that becomes operative on or before January 1, 2013, deletes or*  
24    *extends the dates on which it becomes inoperative and is repealed.*

25    *SEC. 2. Section 48000 is added to the Education Code, to read:*

26    48000. (a) *Commencing with the 2012–13 school year, a child*  
27    *shall be admitted to a kindergarten at the beginning of a school*  
28    *year, or at any later time in the same year if the child will have*  
29    *his or her fifth birthday on or before September 1 of that school*  
30    *year.*

31    (b) *Commencing with the 2012–13 school year, a child may be*  
32    *admitted at the beginning of a school year or at any later time in*  
33    *that same year to a prekindergarten maintained by a school district*

1 *if the child will have his or her fifth birthday between September*  
2 *2 and December 2 of that school year. The Superintendent shall*  
3 *allocate to a school district that maintains a prekindergarten*  
4 *program pursuant to this subdivision an amount equal to the*  
5 *revenue limit amount that would have been allocated to the district*  
6 *for the kindergarten attendance of these pupils if they would have*  
7 *been eligible to attend kindergarten pursuant to this section as it*  
8 *read on January 1, 2012. Pupils who attend a prekindergarten*  
9 *program pursuant to this subdivision are eligible to attend a*  
10 *kindergarten program the following school year, as specified in*  
11 *subdivision (a).*

12 *(c) The governing board of any school district maintaining one*  
13 *or more kindergartens may, on a case-by-case basis, admit to a*  
14 *kindergarten a child having attained the age of five years at any*  
15 *time during the school year with the approval of the parent or*  
16 *guardian, subject to the following conditions:*

17 *(1) The governing board determines that the admittance is in*  
18 *the best interests of the child.*

19 *(2) The parent or guardian is given information regarding the*  
20 *advantages and disadvantages and any other explanatory*  
21 *information about the effect of this early admittance.*

22 *SEC. 3. Section 48010 of the Education Code is amended to*  
23 *read:*

24 *48010. (a) A child shall be admitted to the first grade of an*  
25 *elementary school during the first month of a school year if the*  
26 *child will have his or her sixth birthday on or before December*  
27 *2nd of that school year. For good cause, the governing board of a*  
28 *school district may permit a child of proper age to be admitted to*  
29 *a class after the first school month of the school term.*

30 *(b) This section shall become inoperative on July 1, 2013, and,*  
31 *as of January 1, 2014, is repealed, unless a later enacted statute,*  
32 *that becomes operative on or before January 1, 2014, deletes or*  
33 *extends the dates on which it becomes inoperative and is repealed.*

34 *SEC. 4. Section 48010 is added to the Education Code, to read:*

35 *48010. Commencing with the 2013–14 school year, a child*  
36 *shall be admitted to the first grade of an elementary school during*  
37 *the first month of a school year if the child will have his or her*  
38 *sixth birthday on or before September 1 of that school year. For*  
39 *good cause, the governing board of a school district may permit*

1 *a child of proper age to be admitted to a class after the first school*  
2 *month of the school term.*

3 SECTION 1. ~~Section 14022.7 is added to the Education Code,~~  
4 ~~to read:~~

5 ~~14022.7. (a) Notwithstanding any other law, in calculating~~  
6 ~~“changes in enrollment” between each of the 2011–12 to 2026–27~~  
7 ~~fiscal years, inclusive, and the fiscal year immediately preceding~~  
8 ~~each of those fiscal years under this article for purposes of~~  
9 ~~paragraph (2) or (3) of subdivision (b) of Section 8 of Article XVI~~  
10 ~~of the California Constitution, the computation of average daily~~  
11 ~~attendance for each of the 2012–13 to 2026–27 fiscal years,~~  
12 ~~inclusive, shall include the total statewide number of units of~~  
13 ~~average daily attendance computed for those fiscal years pursuant~~  
14 ~~to Section 42238.20.~~

15 ~~(b) Notwithstanding any other law, in calculating “changes in~~  
16 ~~enrollment” between the 2026–27 fiscal year and the 2027–28~~  
17 ~~fiscal year under this article for purposes of paragraph (2) or (3)~~  
18 ~~of subdivision (b) of Section 8 of Article XVI of the California~~  
19 ~~Constitution, the computation of average daily attendance for the~~  
20 ~~2026–27 fiscal year shall include the total statewide number of~~  
21 ~~units of average daily attendance computed for that fiscal year~~  
22 ~~pursuant to Section 42238.20.~~

23 SEC. 2. ~~Section 42238.31 is added to the Education Code, to~~  
24 ~~read:~~

25 ~~42238.31. (a) In order to compensate school districts for the~~  
26 ~~loss in average daily attendance resulting from changing the age~~  
27 ~~at which children are required to be admitted to kindergarten~~  
28 ~~pursuant to Section 48000, the number of units of average daily~~  
29 ~~attendance computed for a school district pursuant to Section~~  
30 ~~42238.5 for the purpose of computing the revenue limit of the~~  
31 ~~school district pursuant to Section 42238 shall be increased for~~  
32 ~~each of the 2012–13 to 2026–27 fiscal years, inclusive, as follows:~~

33 ~~(1) For each of the 2012–13 to 2026–27 fiscal years, inclusive,~~  
34 ~~determine the total number of units of average daily attendance~~  
35 ~~generated for the current fiscal year by pupils enrolled in the classes~~  
36 ~~of pupils who entered kindergarten in the 2012–13, 2013–14, and~~  
37 ~~2014–15 school years.~~

38 ~~(2) Multiply the number determined in paragraph (1) by 1.0909.~~

39 ~~(b) The number of units of average daily attendance computed~~  
40 ~~pursuant to Section 42238.5 shall be increased pursuant to~~

subdivision (a) for those classes of pupils who entered kindergarten in each of the 2012–13, 2013–14, and 2014–15 school years, as those classes move from kindergarten to grade 12, as follows:

(1) School districts having a kindergarten and grades 1 to 12, inclusive, shall increase the number of units of average daily attendance generated by the classes of pupils who entered into kindergarten in each of the 2012–13, 2013–14, and 2014–15 school years, for each of the 2012–13 to 2026–27 fiscal years, inclusive.

(2) Elementary school districts having a kindergarten and grades 1 to 8, inclusive, shall increase the number of units of average daily attendance generated by the classes of pupils who entered into kindergarten in each of the 2012–13, 2013–14, and 2014–15 school years, for each of the 2012–13 to 2022–23 fiscal years, inclusive.

(3) High school districts having grades 9 to 12, inclusive, shall increase the number of units of average daily attendance generated by the classes of pupils who entered into kindergarten in each of the 2012–13, 2013–14, and 2014–15 school years, for each of the 2021–22 to 2026–27 fiscal years, inclusive.

(4) Elementary school districts having a kindergarten and grades 1 to 6, inclusive, shall increase the number of units of average daily attendance generated by the classes of pupils who entered into kindergarten in each of the 2012–13, 2013–14, and 2014–15 school years, for each of the 2012–13 to 2020–21 fiscal years, inclusive.

(5) High school districts having grades 7 to 12, inclusive, shall increase the number of units of average daily attendance generated by the classes of pupils who entered into kindergarten in each of the 2012–13, 2013–14, and 2014–15 school years, for each of the 2019–20 to 2026–27 fiscal years, inclusive.

SEC. 3. Section 48000 of the Education Code is amended to read:

48000. (a) A child shall be admitted to a kindergarten at the beginning of a school year, or at a later time in the same year if the child will have his or her fifth birthday on or before one of the following dates:

(1) December 2 of the 2011–12 school year.

(2) November 2 of the 2012–13 school year.

(3) October 2 of the 2013–14 school year.

1 ~~(4) September 2 of the 2014–15 school year and each school~~  
2 ~~year thereafter.~~

3 ~~(b) A child who will have his or her fifth birthday on or before~~  
4 ~~one of the dates described in paragraphs (1) to (4), inclusive, of~~  
5 ~~subdivision (a) may be admitted to the prekindergarten summer~~  
6 ~~program maintained by the school district for pupils who will be~~  
7 ~~enrolling in kindergarten in September.~~

8 ~~(c) The governing board of a school district maintaining one or~~  
9 ~~more kindergartens may, on a case-by-case basis, admit to a~~  
10 ~~kindergarten a child having attained the age of five years at any~~  
11 ~~time during the school year with the approval of the parent or~~  
12 ~~guardian, subject to the following conditions:~~

13 ~~(1) The governing board determines that the admittance is in~~  
14 ~~the best interests of the child.~~

15 ~~(2) The parent or guardian is given information regarding the~~  
16 ~~advantages and disadvantages and any other explanatory~~  
17 ~~information about the effect of this early admittance.~~

18 ~~SEC. 4. Section 48010 of the Education Code is amended to~~  
19 ~~read:~~

20 ~~48010. (a) A child shall be admitted to the first grade of an~~  
21 ~~elementary school during the first month of a school year if the~~  
22 ~~child will have his or her sixth birthday on or before one of the~~  
23 ~~following dates:~~

24 ~~(1) December 2 of the 2011–12 school year.~~

25 ~~(2) November 2 of the 2012–13 school year.~~

26 ~~(3) October 2 of the 2013–14 school year.~~

27 ~~(4) September 2 of the 2014–15 school year and each school~~  
28 ~~year thereafter.~~

29 ~~(b) For good cause, the governing board of a school district may~~  
30 ~~permit a child of proper age to be admitted to a class after the first~~  
31 ~~school month of the school term.~~

32 ~~SEC. 5. If the Commission on State Mandates determines that~~  
33 ~~this act contains costs mandated by the state, reimbursement to~~  
34 ~~local agencies and school districts for those costs shall be made~~  
35 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
36 ~~4 of Title 2 of the Government Code.~~